

## Message Text

UNCLASSIFIED

PAGE 01 STATE 295195

60

ORIGIN ITC-01

INFO OCT-01 EA-09 ISO-00 EB-07 COME-00 TRSE-00 CIAE-00

INR-07 NSAE-00 /025 R

DRAFTED BY USITC:WHART:MH  
APPROVED BY EB/OT/STA:JSSPIRO  
EB/OT/STA:MHGOLDMAN  
EA/ANP:TWAJDA  
EA/J:DSMITH

----- 000875

R 032156Z DEC 76  
FM SECSTATE WASHDC  
TO AMEMBASSY CANBERRA

UNCLAS STATE 295195

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: INFORMATION REQUESTED BY USITC ON AUSTRALIAN  
ACTIONS ON CERTAIN SWIMMING POOLS IMPORTED FROM JAPAN

1. THE U.S. INTERNATIONAL TRADE COMMISSION (USITC) IS  
CONDUCTING AN INVESTIGATION UNDER SECTION 337 OF THE  
TARIFF ACT OF 1930 CONCERNING ALLEGATIONS OF UNFAIR ACTS  
AND UNFAIR METHODS OF COMPETITION BY ASAHI CHEMICAL  
INDUSTRIES CO., LTD. OF JAPAN IN THE IMPORTATION AND SALE  
IN THE UNITED STATES OF CERTAIN ABOVE GROUND SWIMMING  
POOLS. THE ALLEGED UNFAIR ACTS ARE, INTER ALIA, PREDATORY  
PRICING INVOLVING SALES IN THE UNITED STATES BELOW THE  
COST OF PRODUCTION IN JAPAN, WITH THE INTENT OF RESTRAINING  
OR MONOPOLIZING TRADE IN THE UNITED STATES. ASAHI IS A  
CORPORATION BELIEVED OWNED AND OPERATED BY MASAKAZU (MIKE)  
SATO, A JAPANESE NATIONAL.

2. DURING THE COURSE OF A HEARING ON THE MATTER,  
UNDOCUMENTED ORAL TESTIMONY WAS OFFERED THAT THE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 295195

AUSTRALIAN GOVERNMENT HAS COMPLETED AN INVESTIGATION OF

ACTIVITIES OF THIS SAME COMPANY IN AUSTRALIA CONCERNING DUMPING, SALES BELOW COST, ATTEMPTS TO RESTRAIN TRADE, DISCRIMINATORY PRICING, OR ATTEMPTED MONOPOLIZATION.

3. IN CONNECTION WITH ITS INVESTIGATION, THE USITC IS SEEKING THE FOLLOWING INFORMATION:

A. DID THE GOA CONDUCT SUCH AN INVESTIGATION INVOLVING POOLS MADE BY THE FIRM IN QUESTION? IF SO, WHAT AGENCY OR DEPARTMENT OF THE GOA CONDUCTED THE INVESTIGATION?

B. THE NATURE OF THE ALLEGED OFFENSE, IF ANY.

C. THE TIME, PLACE, AND LOCATION OF THE AUSTRALIAN PROCEEDING.

D. THE CONCLUSION REACHED IN THE INVESTIGATION AND THE BASIS OF THE CONCLUSION.

E. ANY EVIDENCE OF THE NAMED FIRM'S COST OF PRODUCING THE POOLS IN JAPAN.

F. ANY EVIDENCE OF SALES PRACTICES BY THE NAMED FIRM WHICH SUPPORTS THE INFERENCE OF SYSTEMATIC INTENT TO RESTRAIN OR MONOPOLIZE TRADE.

G. WHAT WERE THE SPECIFIC SOURCES OF INFORMATION USED IN THE INVESTIGATION?

4. EMBASSY IS REQUESTED TO ASSIST THE USITC IN ITS INVESTIGATION IN THE FOLLOWING MANNER:

A. AIRMAIL ASAP A COPY OF ALL PUBLIC DOCUMENTS (NOTICES OF INVESTIGATION, REPORTS, FINDINGS, ETC.) ISSUED BY THE

GOA ON SUCH AN INVESTIGATION WHICH PERTAIN TO THE SUBJECTS SPECIFIED IN PARAGRAPH 3 ABOVE TO MR. STEVEN K. MORRISON, INVESTIGATIVE ATTORNEY, USITC, 701 E STREET NW., WASHINGTON, D.C. 20436.

B. SEND BY TELEGRAM (1) A BRIEF DESCRIPTION OF ANY UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 295195

DOCUMENTS BEING AIRMAILED, AND (2) ANY INFORMATION THE EMBASSY CAN OBTAIN RELATING TO THE SUBJECTS IN PARAGRAPH 3. TELEGRAPHIC RESPONSE SHOULD BE "UNCLASSIFIED/ ANY CLASSIFIED INFORMATION WHICH CANNOT BE PLACED ON THE PUBLIC RECORD SHOULD BE SENT IN A SEPARATE TELEGRAM. KISSINGER

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADE LAW, EQUIPMENT, TRADE CONTROLS, INVESTIGATIONS, RECREATIONAL FACILITIES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE295195  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** WHART:MH  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760449-1007  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761273/aaaacloq.tel  
**Line Count:** 112  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN ITC  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** wolfsd  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27 MAY 2004 by hattaycs>; APPROVED <10 AUG 2004 by wolfsd>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** INFORMATION REQUESTED BY USITC ON AUSTRALIAN ACTIONS ON CERTAIN SWIMMING POOLS IMPORTED FROM JAPAN  
**TAGS:** ETRD, JA, US, AS, USITC, ASAHI CHEMICAL IND LTD  
**To:** CANBERRA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006